

In the Matter of )  
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Elimination of Main Studio Rule ) MB Docket No. 17-106  
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To: The Commission  
Attn: Secretary

Starboard Media Foundation, Inc. (“Starboard”), the licensee or approved assignee of forty-two full-power radio stations, hereby submits these comments in response to the Notice of Proposed Rulemaking (“NPRM”) in the captioned proceeding (FCC 17-59). Starboard strongly supports the proposal to eliminate the Commission’s main studio rule (“Main Studio Rule”).<sup>1</sup> The reduced cost savings associated with such elimination would be a tremendous boon to all broadcast licensees, and there would be no detriment at all to the public.

The AM Revitalization NOI specifically mentioned that the Commission had been granting waivers of the “location” prong of the Main Studio Rule to non-commercial educational FM (“NCE FM”) stations, pursuant to Section 73.1125(b)(2) of its rules, thereby allowing an NCE FM

<sup>2</sup> Revitalization of the AM Radio Service, MB Docket No. 13-249, First Report and Order, Further Notice of Proposed Rulemaking and Notice of Inquiry (FCC 15-142) (“AM Revitalization NOI”).

licensee with dozens of stations nationwide to house all of their offices at a single “main studio” location. As a result, in at least one case, a NCE FM station’s official main studio has been located nearly 3,000 miles from its transmitter location. In its comments to the AM Revitalization NOI, Starboard requested that the Commission extend this same courtesy to licensees of all stations.

Starboard is pleased that the NPRM takes the approach set forth in the AM Revitalization NOI one step further, proposing to eliminate the Main Studio Rule altogether. If adopted, broadcast stations no longer would be required to maintain a local main studio, nor would they be required to comply with the “staffing” and “equipment” prongs of the rule. Starboard agrees with the Commission, as set forth in the NPRM, that “technological innovations have rendered a local studio unnecessary as a means for...listeners to communicate with or access their local stations and to carry out the other traditional functions that they have served.” NPRM at ¶6. Starboard also agrees that, once all stations transition to online public inspection files, which will occur no later than March 1, 2018 (*see* MB Docket 14-127), there no longer will be any justifiable reason to force stations to accommodate in-person visits from community members.

The NPRM at ¶7 asks for comment about the costs and other efficiencies that would result from the elimination of the Main Studio Rule. Starboard can provide an excellent example. In the Chicago Nielsen Metro, Starboard presently owns three radio stations and competes with the approximately 100 other radio stations in that market for over-the-air listeners. Starboard is a not-for-profit corporation that operates its stations with noncommercial Roman Catholic religious programming (“Relevant Radio”) and relies on listener donations to pay its operating expenses. Under the Commission’s current interpretation of the Main Studio Rule, two of Starboard’s Chicago stations may be co-located, but the third must be located somewhere else in the Chicago Metro. Starboard incurs significant additional operating costs to house its third Chicago station at

such “extra” main studio site, including: (a) paying the salaries, taxes, insurance and benefits for two full-time employees (to satisfy the “staffing” prong of the rule); (b) paying rent, utilities and insurance at that location; and (c) purchasing and maintaining equipment (microphones, computers, etc.) sufficient to satisfy the “equipment” prong of the rule. Starboard has, in some years, spent upwards of \$150,000 to operate from the extra main studio location in the Chicago area. Starboard could instead allocate the funds presently used to operate the extra and unnecessary main studio to other things, like upgrading transmission equipment, attracting new talent and providing more enriched local community service outreach and programming. Such enhancements would far better serve listeners in the stations’ communities of license, as opposed to having an extra local physical office.

The NPRM at ¶¶8-9 asks a series of other questions. Below are those questions, with Starboard’s responses:

- **NPRM Question:** How frequently do stations receive in-person visits from members of the community, and are those visits to request access to hard copy public inspection files or for other purposes?

**Starboard Response:** In Starboard’s experience, in the past decade-plus of serving as the licensee of radio stations, the number of persons who have visited its stations’ main studios for the purpose of reviewing the public inspection files is at just about zero.

- **NPRM Question:** To what extent do people contact stations by telephone, by mail, or online, rather than through in-person visits?

**Starboard Response:** The overwhelming number of persons who contact Starboard’s stations unsolicited do so via e-mail, the Relevant Radio website, or social media.

- **NPRM Question:** Have technological advances, including widespread access to the Internet, mobile telephones, email, and social media, obviated the need to accommodate in-person visits from community members?

**Starboard Response:** Yes. As set forth in Starboard’s comments to the AM Revitalization NOI at 3, by adopting rule changes in MB Docket 14-127 that require

all AM and FM stations to post their public files to the Commission's online database by March 1, 2018, the Commission has "obviated the very need for a station's offices to be located in the community it serves, because [by March 1, 2018], anyone will be able to access any publicly-available document pertaining to any radio station in the country through the Internet." Starboard stands by that conclusion and reiterates it here.

- **NPRM Question:** If we eliminate the main studio rule, would competitive market conditions ensure that stations will continue to keep apprised of significant local needs and issues?

**Starboard Response:** Yes. Starboard believes that not all licensees would take advantage of the elimination of the Main Studio Rule, as a licensee may elect to maintain an office in a given community precisely to maintain a physical local connection. Starboard strongly feels that the such decision should be left to licensees, not to government regulation. But in Starboard's experience, it has found that the community can be served best by its people – not a building.

- **NPRM Question:** Would eliminating the main studio rule impact a station's ability to communicate time-sensitive or emergency information to the public?

**Starboard Response:** No, the physical location of a station's office has no bearing whatsoever on whether that station can communicate emergency information to the public it serves. Indeed, each Starboard station is proud to provide its listeners with vital information of particular local interest. For example, every weekday morning on two of its Chicago stations, Starboard presents a live hour of local programming from the studios of the Archdiocese of Chicago. A similar program of exclusively local interest airs on Starboard's station licensed to Newark, NJ, and that programming originates from location outside of its official main studio. In addition, programming of local interest is recorded and broadcast in most of Starboard's other markets, including Minneapolis, Milwaukee and Philadelphia. Indeed, Starboard often broadcasts local or breaking news on its individual stations, especially if the news relates to public safety. For instance, as a religious station, Starboard felt compelled to break in its normal programming on its Chicago stations with live, local updates on the death of Cardinal Francis George. The "breaking news" originated from a remote location; it was not necessary to use the station's local main studio in order to serve the station's listeners. Starboard also maintains its presence in each local community via other means, including social media. Thus, Starboard is made aware instantaneously when there is a local event that needs to be communicated over the air. Upon elimination of the Main Studio Rule, Starboard certainly would continue providing time-sensitive programming to all of its local listeners.

- **NPRM Question:** We seek comment on whether the current main studio rules and related requirements are necessary to implement section 307(b) of the Act.

**Starboard Response:** No, the Main Studio Rule is not necessary to implement Section 307(b). Even with the elimination of the Rule, each station still would remain required to, among other things: (1) place a certain signal contour over its community of license; and (2) serve that community with programming responsive to important local issues. As stated above, the physical office just is not necessary. Starboard also does not object to maintaining the requirement, set forth at Section 73.1125(e) of the Commission's rules, for stations to maintain a toll-free number to allow residents in the station's community of license to contact the station.


- **NPRM Question:** We invite comment on the continued relevance of the program origination capability requirement that currently applies to main studios. What function does it serve today? To what extent do stations produce local programming at their main studios? If we eliminate the main studio rule, should we maintain the program origination capability requirement, and, if so, how? Would program origination, to the extent it happens today, occur anyway absent any capability requirement as stations seek to continue to meet viewers' and listeners' interests?

**Starboard Response:** In Starboard's case, much of its programming originates from a single location in Green Bay, Wisconsin and then is distributed via satellite to its stations. Starboard produces very little of its programming at its main studios. Instead, the bulk of its local programming is produced in remote studios or locations such as Diocesan offices or independent studios. In Starboard's experience, the location of program origination has no bearing on its ability to make the content of local interest.

In summary, the public interest would be well-served by the wholesale elimination of the Main Studio Rule. It would allow all broadcast stations to realize valuable economies of scale and massive cost savings. Such savings would make it far easier for stations, such as Starboard's, to serve the crucial purpose of continuing to provide their listeners with excellent programming options. By eliminating the burdensome Main Studio Rule, broadcast stations would be better suited to compete with their non-broadcast media brethren for advertisers and listeners because precious resources could be allocated towards innovative products and services and away from complying with an outdated and unnecessary rule.

Respectfully submitted,

**STARBOARD MEDIA FOUNDATION, INC.**

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